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9 DANA WOFFORD, GAIL WOFFORD
10 and MARK BENNETT

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DANA WOFFORD, an individual, GAIL
WOFFORD, an individual, and MARK
BENNETT, an individual,

Plaintiffs,

v.

BAYVIEW LOAN SERVICING, LLC, a
Delaware limited liability company, and
DOES 1-20, inclusive,

Defendants.

CASE NO. C 09-06016 CRB

**STIPULATION AND [PROPOSED]
ORDER TO WITHDRAW DEFENDANT'S
NOTICE OF DEFAULT AND VACATE
THE HEARING ON PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action,
through their respective counsel, that:

1. Defendant Bayview Loan Servicing, LLC has agreed to not proceed to non-judicially foreclose on the subject property, commonly known as 3344 & 3345 Lakeshore Boulevard, Lakeport, California, until a determination is made in this action ("the subject property")

2. Defendant Bayview Loan Servicing, LLC has agreed to immediately withdraw the notice of default and election to sell under commercial deed of trust, recorded on December 16, 2009 as instrument number 2009020616 in the official records of Lake County, California on the subject property.

1 3. Plaintiffs' Motion for Preliminary Injunction to restrain defendants from noticing
2 and initiating a non-judicial foreclose sale of the subject property, re-noticed for hearing for April
3 30, 2010 at 10:00 a.m. in Courtroom 8, 19th Floor, before Honorable Charles R. Breyer, as docket
4 nos. 12, 13 and 18, is withdrawn and should be taken off calendar.

5 SO STIPULATED.

6 Date: March 26, 2010

CANNATA, CHING & O'TOOLE LLP

7 /s/ Michael M. Ching

8 MICHAEL M. CHING

9 Attorneys for plaintiffs Dana Wofford, Gail Wofford and
Mark Bennett

10 Date: March 26, 2010

EDWARD G. SCHLOSS LAW CORPORATION

11 /s/ Edward G. Schloss

12 EDWARD G. SCHLOSS

13 Attorney for defendant Bayview Loan Servicing, LLC

14 **ORDER**

15 Pursuant to the stipulation of the parties, and good cause appearing, IT IS HEREBY
16 ORDERED THAT:

17 1. Defendant Bayview Loan Servicing, LLC's notice of default and election to sell
18 under commercial deed of trust, recorded on December 16, 2009 as instrument number
19 2009020616 in the official records of Lake County, California on the subject property is
20 withdrawn.

21 2. Plaintiffs' Motion for Preliminary Injunction to restrain defendants from noticing
22 and initiating a non-judicial foreclose sale of the subject property, set for hearing for April 30,
23 2010 at 10:00 a.m. in Courtroom 8, 19th Floor, before Honorable Charles R. Breyer, filed as
24 docket nos. 12, 13 and 18 is vacated.

25 SO ORDERED.

26 Date: March 30, 2010

